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Attorneys for Defendants  
Avis Budget Group, Inc.,  
Avis Rent A Car System, LLC and  
Highway Toll Administration, LLC

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

JOSE MENDEZ, individually, and on behalf of all :  
others similarly situated,

Plaintiffs,

-against-

AVIS BUDGET GROUP, INC. D/B/A BUDGET :  
RENT A CAR SYSTEM, INC. and AVIS RENT :  
A CAR SYSTEM, LLC; AND HIGHWAY TOLL :  
ADMINISTRATION, LLC, :

Defendants.

HON. JOSE L. LINARES, U.S.D.J.  
: Civ. Action No. 2:11-cv-06537 (JLL)(MAH)

**NOTICE OF MOTION  
TO DISMISS PURSUANT  
TO RULE 12(b)(6)**

(Filed Electronically)

**Return Date: March 5, 2012**

TO: Joseph J. DePalma, Esq.  
LITE DEPALMA GREENBERG, LLC  
Two Gateway Center, 12<sup>th</sup> Floor  
Newark, NJ 07102  
Attorneys for Plaintiff  
Jose Mendez

PLEASE TAKE NOTICE that, on March 5, 2012 at 10:00 a.m., or as soon thereafter as the matter may be heard, the undersigned attorneys for defendants Avis Budget Group, Inc., Avis Rent A Car System, LLC and Highway Toll Administration, LLC (“Defendants”) will move before the Hon. Jose L. Linares, U.S.D.J., at the United States District Courthouse, 50 Walnut Street, Newark, New Jersey, for an Order dismissing the Class Action Complaint of plaintiff Jose Mendez, with prejudice; and

PLEASE TAKE FURTHER NOTICE that in support of the within motion, Defendants shall rely upon the Brief submitted herewith; and

PLEASE TAKE FURTHER NOTICE that Defendants hereby request oral argument; and

PLEASE TAKE FURTHER NOTICE that at that time and place set forth above, Defendants will request that the proposed form of Order submitted herewith be entered by the Court.

DAY PITNEY LLP  
Attorneys for Defendants  
Avis Budget Group, Inc., Avis Rent A Car  
System, LLC and Highway Toll  
Administration, LLC

By: s/ Paul J. Halasz  
PAUL J. HALASZ

Dated: February 3, 2012

**CERTIFICATION OF SERVICE**

The undersigned hereby certifies that a true copy of the within Notice of Motion, Brief and proposed form of Order were all served on counsel for defendant by forwarding the same via ECF filing and service to:

Joseph J. DePalma, Esq.  
LITE DEPALMA GREENBERG, LLC  
Two Gateway Center, 12<sup>th</sup> Floor  
Newark, NJ 07102  
Attorneys for Plaintiff  
Jose Mendez

With an additional copy sent via email to counsel for plaintiff at the following email address:

SCruzHodge@litedepalma.com

s/ Paul J. Halasz  
PAUL J. HALASZ

February 3, 2012